

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: December 14, 2005

Douglas M. FIELDHOUSE and Kingsley R. WICK

Our File: CSZ.303

Serial No. : 10/032,900

Group Art Unit: 2643

Filed : December 26, 2001

Examiner: Rexford M. BARNIE

For : TOLL-FREE CALLING ACCOUNT RECHARGE
SYSTEM AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

We declare as follows:

1. We are the named inventors of the above-identified application.
2. Prior to December 18, 2000, the filing date of the patent application underlying U.S. Patent No. 6,487,401 to Suryanarayana, we conceived of our invention in the United States, and diligently worked toward reducing our invention to practice. Our efforts, which took place in the United States, are demonstrated in part by attached Exhibits 1-7, which are discussed in more detail below.
3. Exhibits 1-3 are story boards illustrating exemplary user experiences of using wireless telephone devices to set up and add pre-paid calling units to a stored-value calling account associated with the device. Exhibit 4 is a system diagram depicting wireless, internet and dial communication. Exhibit 5, entitled "Decision Tree" is a flow chart illustrating various exemplary

steps involved in customer communication with a pre-paid wireless telephone recharge system. Exhibit 6 is a table listing various steps and actions relating to methods of establishing communication with a recharge service in order to add calling units to a stored-value calling account, and the data flow, function, input and output for each step. Each of Exhibits 1-6 was created during the development of our invention and prior to December 18, 2000.

4. Exhibit 7 is an unsigned letter dated December 5, 2000, written by a consultant, Velagio, Inc., and addressed to and received by Douglas M. Fieldhouse, President of Vesta Corporation and one of the named inventors of the above-identified application. Vesta Corporation is identified in the letter as Vesta, Inc., and is the assignee of the present invention. This letter proposes terms of an agreement between the consultant and Vesta Corporation, and discusses work already performed, as well as work yet to be performed, as of the date of the letter. The work discussed relates to the design and construction of a prototype for a wireless prepaid cellular recharge of a stored value product. The work was performed for Vesta Corporation at our direction based on information we provided to the consultant.

More specifically, as stated in the letter, at page 5, the design was completed by the date of the letter, and the consultant had provided several documents (listed on pages 1 and 5) related to the information and direction we provided. These documents include the documents identified above as Exhibits 1-6. These documents are more particularly identified in the description of the project approach on page 5 of the letter, as follows: the WAP and PDA story boards appear as Exhibits 1-3; the "High Level System Architect" appears as Exhibit 4; the "Decision Tree" appears as Exhibit 5, and the "Data Schema" appears as Exhibit 6.

5. Either individually or in various combinations, the letter and associated documents demonstrate our conception, and activities toward the reduction to practice, of at least the following

inventions:

- (a) a wireless telephone device having an associated stored-value calling account that includes a selector, a communications program configured to communicate with a recharge service, and a recharge option selectable upon actuation of the selector to communicate with the recharge service to add calling units to the stored-value calling account;
- (b) a method of recharging the stored-value calling account that includes the steps of installing a recharge option in a wireless telephone device, displaying the recharge option on the wireless telephone device, receiving a user selection of the recharge option, and, in response to the received user selection of the recharge option, both establishing a connection to a communication network communication with a recharge service via a communication network and initiating the recharge transaction;
- (c) a pre-paid wireless telephone recharge system that includes a recharge server connected to a communication network being configured to perform a recharge transaction on a stored-value telephone calling account; and a web-enabled wireless telephone device having a recharge option installed thereon being selectable by a user upon actuation of a user input device on the wireless telephone device, the recharge option further being configured to cause a communication program on the wireless telephone device to initiate both a connection to the communication network and a recharge transaction with the recharge server via the communication network, in order to add calling units to the stored-value calling account;
- (d) a wireless telephone device that includes a user interface having a top menu, a recharge option installed in the top menu configured, upon selection, to initiate both connection to a communication network and a recharge transaction, in order to add calling units to a stored value calling account associated with the wireless telephone device;

(e) a method for use in a wireless telephone device having a display, the method including storing in the device while the device is not in communication with a recharge service a calling balance of a stored value calling account, detecting that the stored calling balance is lower than a predetermined threshold, and presenting a recharge option on a display of the device, the recharge option, when selected by a user, being configured to initiate both a connection to a communication network and a recharge transaction, in order to add calling units to the stored value calling account; and

(f) a method of recharging a stored-value calling account, including installing a recharge option in a wireless telephone device, the recharge option being configured to initiate a recharge transaction in order to add calling units to a stored-value calling account associated with the wireless telephone device, displaying the recharge option on the wireless telephone device, receiving a user selection of the recharge option, establishing a connection to a communication network, initiating the recharge transaction, and applying fraud detection measures to the transaction.

6. Either individually or in various combinations, the Exhibits demonstrate our conception, and activities toward the reduction to practice, of additional features of the aforementioned inventions, such as establishing communication with a recharge service via wireless, Internet, and dial methods, incorporating fraud detection measures in performing transactions during recharge service, and methods of establishing communication with a recharge service in order to add calling units to the stored-value calling account.

7. Diligence in our efforts toward the reduction to practice of the aforementioned inventions from a time earlier than December 18, 2000 to the reduction in practice of the inventions is demonstrated, in part, by the filings on December 29, 2000 and January 2, 2001 of two

provisional applications for a TOLL FREE CALLING ACCOUNT RECHARGE SYSTEM AND METHOD.

8. We declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code. We understand that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 12-16-05

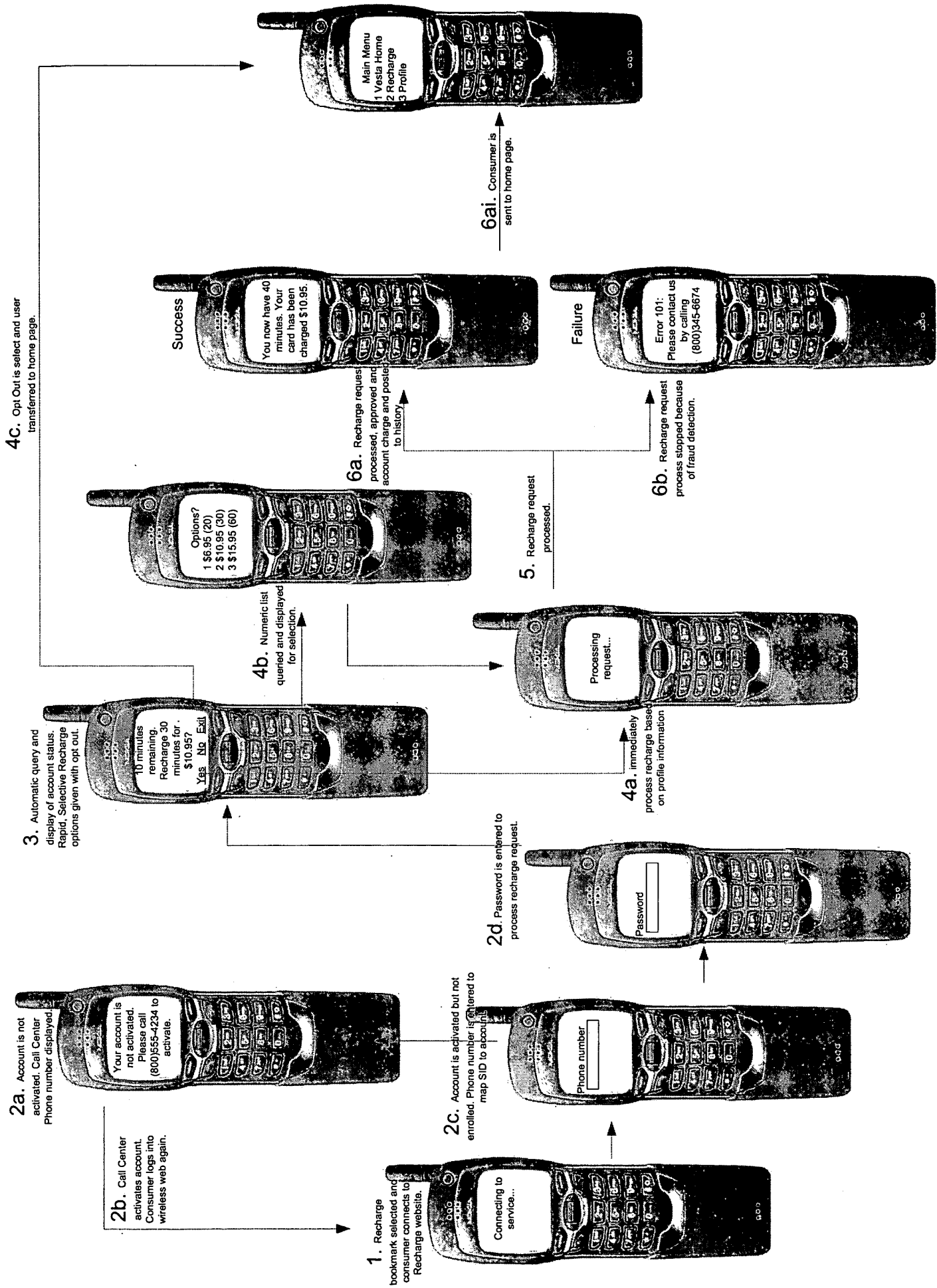
D. R.

Douglas M. FIELDHOUSE

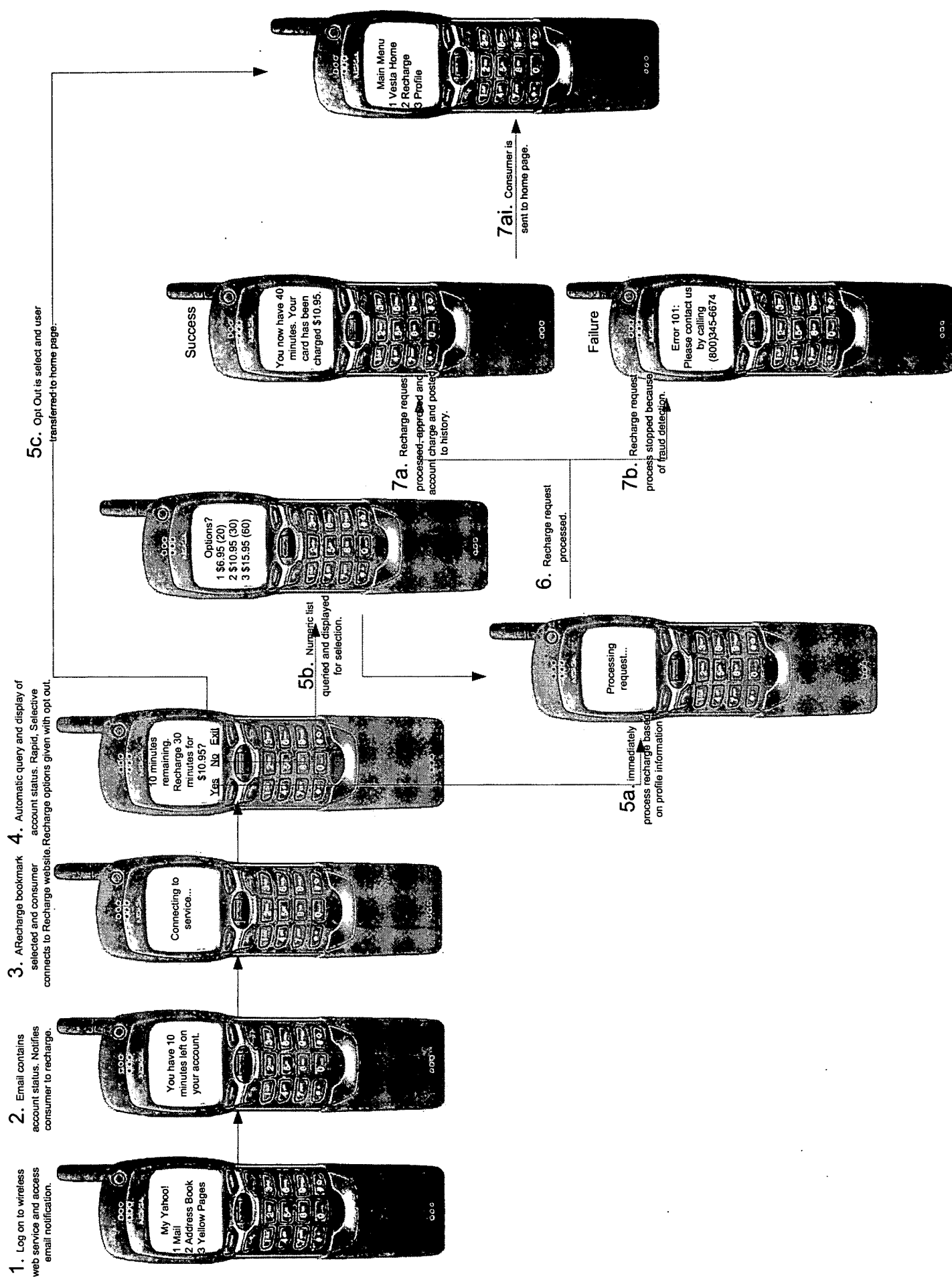
[Signature]

Kingsley R. WICK

Demo Activation and Enrollment User Experience Storyboard



Demo Recharge Application User Experience Storyboard



Website (iPAQ) User Experience Storyboard

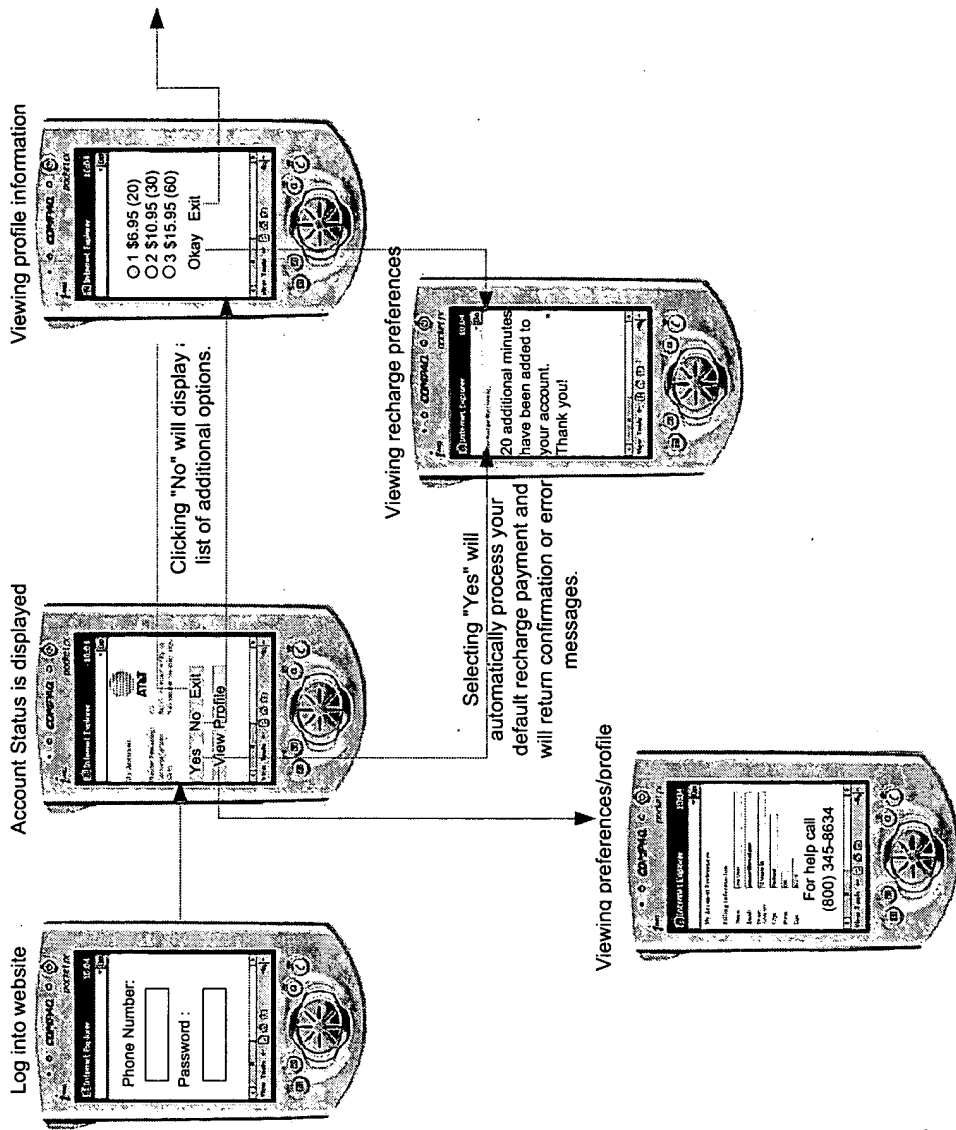
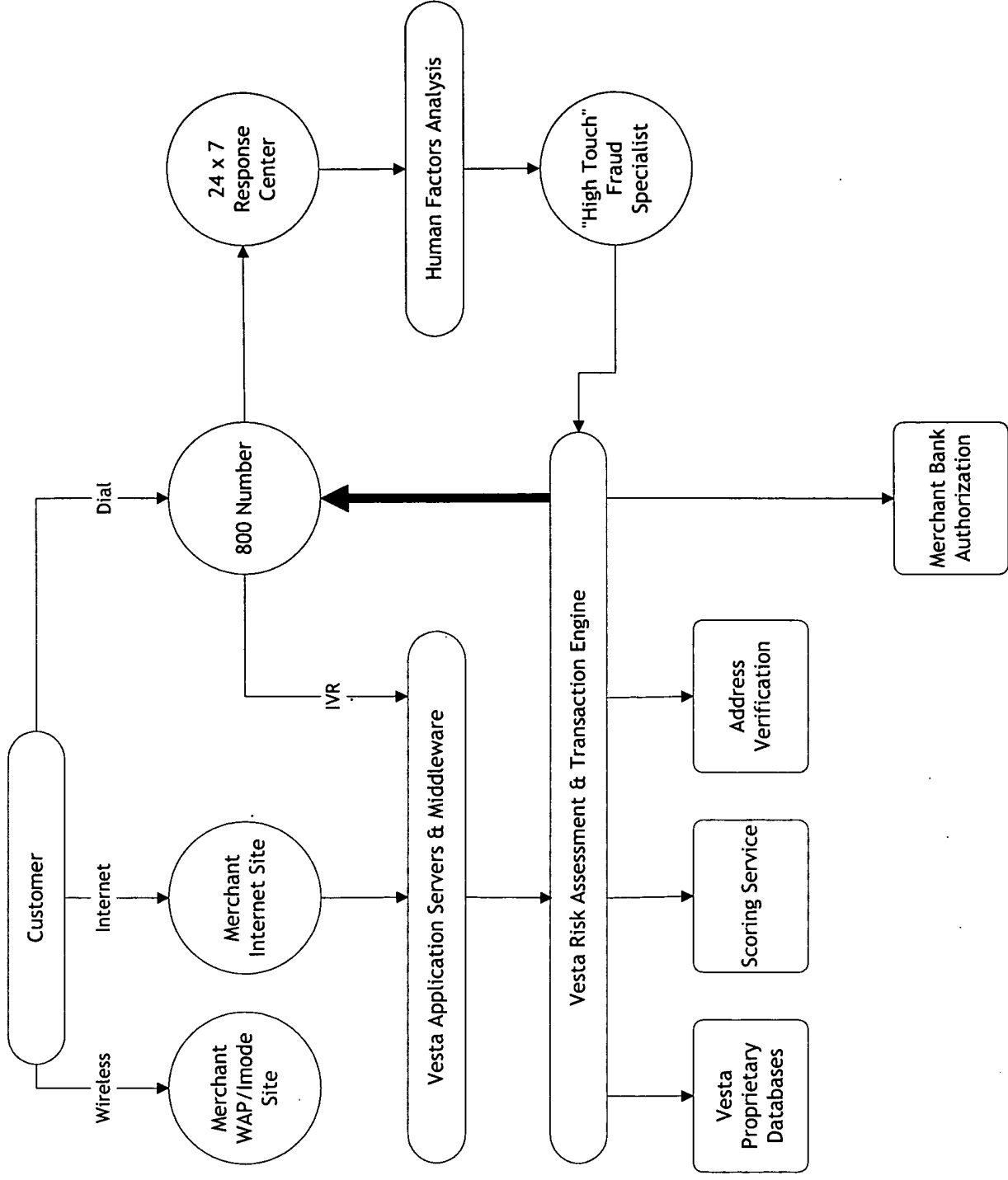
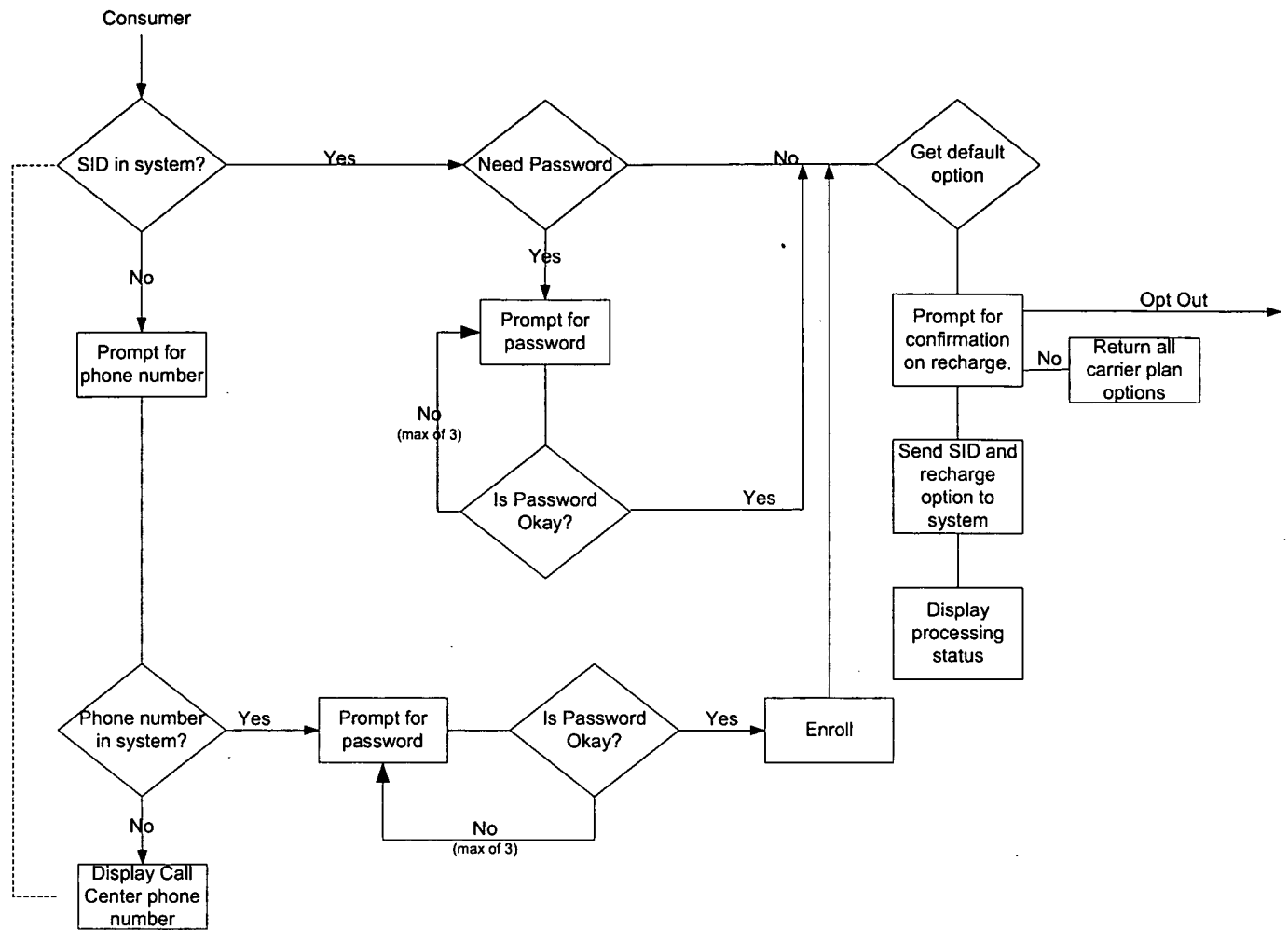


Exhibit 4



Decision Tree



Step	Data Flow Description	Function	Input	Output
Log in to website:				
1) SID is captured	- SID value from device is captured and submitted to system	VRIsEnrolled	deviceId	bEnrolled
2) Account is queried	- Account is queried based on SID mapping			
Activation:				
1) Account prompt displayed	- If no account can be found based on SID then consumer is prompted for account number	VRIsActivated	accountID	bActivated
2) Account activation determined	- Value entered by consumer is used to query system			
3) Call Center phone number displayed	- If there are no returns then Call Center number is displayed for consumer to activate their account			
Enrollment:				
1) Account number queried	- If account information is returned then consumer is prompted for password	VRVerifyPassword	password, accountID	bisOK
2) Password prompt displayed	- Password value is verified	VREnroll	accountID, deviceId	
3) Password verified	- SID is then mapped to existing account number			
4) SID mapped to account number				
Display Page:				
1) Account status is displayed	- SID value used to query/lookup 'minutes remaining in account' and value displayed	VRDBGGetScalar	deviceId, tb/Account, fldMinutesRemain	sValue
2) Default recharge option displayed	- Default recharge type is queried in system and value returned is displayed	VRGetDefaultRecharge	deviceId	sValue
3) Selection options displayed				
- Yes				
- No				
- Exit				
Display Options:				
1) Carrier account plans queried	- If "No" is selected then all recharge options are displayed	VRGetRechargeOptionList	deviceId	sArrayOptionList
2) Display account plan options	- All account plans and values are queried - Values displayed for consumer selection and then passed to processing			
Processing:				
1) SID and Account Plan value submitted to system.	- SID, account number, and recharge option submitted to system	VRPurchase	deviceId, sOptionSelected	sProcessingStatus
2) Payment selection is processed through system	- Payment processing internally by system - Processing status returned to application and displayed (i.e. success or error message)			
3) Display process status				

[REDACTED]

Mr. Douglas M. Fieldhouse
President, CEO
Vesta, Inc.
309 SW 6th Ave / 4th Floor
Portland, OR 97204

Re: Engagement Letter for Prototyped Wireless Access to Prepaid Stored Value Account
(Cellular Recharge Business Case)

Dear Doug:

On behalf of [REDACTED] serving Vesta, Inc. (referred to herein as Vesta or Client), we are pleased to have the opportunity to assist you with the development of Prototyped Wireless Access to Prepaid Stored Value Account (Cellular Recharge Business Case). [REDACTED] worked with Vesta to complete the following deliverables that were outlined in the "Bridge Letter for Prototyped Universal Access (wired and wireless) to Prepaid Cellular Recharge of Stored Value" [REDACTED]

- Development of Feature and Functional Requirements for Prototype
 - Wireless User Experience
 - Web Applications
- Development of Preliminary System Design (PSD) for Prototype
 - High Level Systems Architect
 - WAP Story Board
 - PDA Story Board
 - Decision Tree
 - Technical Specifications with Data Flow, Function, Input & Output information
 - Demo Machine Specifications
 - Data Schema
- Development of Project Schedule and Resource Requirements for Prototype

Based on the project scope and approach developed during the design phase, Vesta has chosen to move forward to develop a simplified prototype of two WAP enabled cell phones, (Sprint and AT&T Wireless services), and one PDA (Palm V with OmniSky).

This engagement letter is structured to provide Vesta with development services using Velagio's project advisory and track lead resources on a time and materials basis. With your approval, as designated by a signature at the end of the document, we will be able to begin the development of the prototype for Vesta.

Vesta, Inc.

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Overview

The proposal document is organized as follows:

- Background
- Objectives
- Project Scope
- Project Approach
- Deliverables
- High-Level Schedule
- Project Organization & Staffing
- Assumptions
- Fees and Expenses
- Standard Terms and Conditions

Background

- Vesta, located in Portland, OR is the premier provider of fraud-free payment services for stored-value products over the phone and internet.
- Given advancements in Wireless communications, Vesta eventually plans to extend their services with Broadband Wireless interfaces that enable Mobile access of their services in a manner that is both content and context sensitive.
- [REDACTED] worked closely with Vesta to design a prototype for a Wireless Prepaid Cellular Recharge of a stored value product.

Objectives

By developing a wireless prepaid cellular recharge of a stored value product, Vesta plans to achieve the following key benefits:

- A working prototype that will be used to demonstrate to potential customers, Vesta's ability to recharge prepaid cellular phones via mobile devices.
- A prototype that will demonstrate a "Rapid Recharge" feature utilizing device identification to minimize the number of key strokes required to recharge.

- ❑ "Rapid Recharge" demo on Sprint and AT&T Wireless phones and a Palm V with OmniSky Service
- ❑ Initial Device connection and enrollment for Sprint and AT&T Wireless accounts
- ❑ User sign on and password connection for PDA device
- ❑ Rapid Recharge process for all three devices based on a pre determined recharge profile value.
- ❑ Recharge based on a pre determined options list
- ❑ Confirmation based on the pre determined recharge amount and a pre determined existing minutes amount
- ❑ Error message based on recharge failure

- Development of the user experience associated with the “Rapid Recharge” prototype for the following devices:
 - Sprint PCS Phone (TP3000)
 - AT&T Wireless Phone (TBD)
 - PDA (Palm V/ OmniSky)
- Development of a web application that will drive the logic behind the identification of a device, the validation of a user log-on\password and the recharge process.
- Development of a “Stubbed” API interface between the web application and the future Vesta Recharge system.
- [REDACTED]
- [REDACTED]

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Out-of-Scope

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Scope Changes

- The process for approving scope, [REDACTED] changes will be as follows (i.e., project events that lead to a change in the scope, [REDACTED] will need the approval and signatures of:
 - [REDACTED] Program Manager
 - King Wick, Vesta Vice President, Research and Development

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[REDACTED]

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Project Approach

[REDACTED] will follow its structured implementation methodology throughout this engagement to ensure development in the quickest and lowest cost manner.

- 1) **Design:** This step was completed under the "Bridge Letter for Prototyped Universal Access (wired and wireless) to Prepaid Cellular Recharge of Stored Value". It include the, business requirements, high level systems architect, WAP story board, PDA story board, decision tree, technical specifications, demo machine specifications, data schema and detailed project plan.
- 2) **Construct:** Development of the user experience, web application and API required to execute the prototype.
- 3) **Test:** Testing of the user experience and web application with the three devices. The API will not be tested since it is stubbed and will not interface into the recharge system.
- 4) [REDACTED]

Deliverables

[REDACTED] will produce the following deliverables for the prototype of a Sprint PCS cell phone, AT&T Wireless cell phone and a Palm V PDA:

- ☐ User interface for each device
- ☐ Web application to identify each to the two phones, process log on/password for PDA and emulate the recharge process based on a rapid recharge profile
- ☐ Stubbed API to future recharge system

High-Level Schedule

- ☐ Start:
- ☐ WAP Channel Deliverable
- ☐ PDA Channel Deliverable
- ☐ Training
- ☐ Project End:

[REDACTED]

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[REDACTED]

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Project Organization & Staffing

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

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Assumptions

- [REDACTED]
- [REDACTED]
- [REDACTED]
- Vesta will provide executive sponsorship of the implementation, including participation in weekly status meetings. King Wick will serve as the executive sponsor and overall project manager .
- [REDACTED] will serve as the Vesta Program manager on an as needed basis basis.
- Vesta will provide hardware and software support as outline during the design phase.
- [REDACTED]
- [REDACTED]
- [REDACTED]

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Fees and Expenses

□ [REDACTED]

□ [REDACTED]

[REDACTED]				
[REDACTED]	[REDACTED]	0	0	[REDACTED]
[REDACTED]	[REDACTED]	0	0	[REDACTED]
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[REDACTED]	[REDACTED]	0	0	[REDACTED]

□ [REDACTED]

□ [REDACTED]

□ [REDACTED]

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Standard Terms and Conditions

1. [REDACTED]

2. Ownership.

a) [REDACTED]

b) [REDACTED]

c) [REDACTED]

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3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

[REDACTED]

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- [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]

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[Redacted]

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[Redacted]

14. [Redacted]
15. [Redacted]

16. [Redacted]

a) [Redacted]

◦ [Redacted]

◦ [Redacted]

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- [REDACTED]

- b) [REDACTED]

- [REDACTED]
- [REDACTED]

17. [REDACTED]

18. [REDACTED]

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We look forward to assisting you with this important project, and appreciate the opportunity to serve your organization. To confirm your acceptance of this agreement and your authorization to proceed with the engagement, please sign this letter in the space provided below. Additionally, if you have any questions, please contact me at

Sincerely,

Accepted
by:
Name

Title

Date